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NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE COLLEGE ATHLETE NIL
LITIGATION

Case No. 4:20-cv-03919-CW

**DECLARATION OF RAKESH KILARU
IN SUPPORT OF DEFENDANTS' REPLY
TO PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO EXCLUDE
THE OPINIONS, REPORTS, AND
TESTIMONY OF EDWIN DESSER AND
DR. DANIEL RASCHER AND
DEFENDANTS' JOINT OPPOSITION TO
PLAINTIFFS' MOTION TO EXCLUDE
THE OPINIONS OF DEFENDANTS'
EXPERT PROFESSOR BARBARA
OSBORNE**

Date: September 21, 2023

Time: 2:30 p.m.

Judge: Hon. Judge Claudia Wilken

1 I, Rakesh N. Kilaru, declare as follows:

2 I am a partner at the law firm of Wilkinson Stekloff LLP and represent the NCAA
3 Defendants in this litigation. I submit this declaration in support of the Defendants' Reply to
4 Plaintiffs' Opposition to Defendants' Motion to Exclude the Opinions, Reports, and Testimony of
5 Edwin Desser and Dr. Daniel Rascher and Defendants' Joint Opposition to Plaintiffs' Motion to
6 Exclude the Opinions of Defendants' Expert Professor Barbara Osborne. I have personal
7 knowledge of the facts set forth in this declaration and, if called as a witness, could and would
8 testify competently thereto. I am admitted *pro hac vice* to practice before the United States
9 Northern District of California in this litigation.

- 10 1. Attached hereto as Exhibit 1 is a true and correct copy of transcript excerpts from the
11 deposition of Bob Thompson, taken on June 8, 2023.
- 12 2. Attached hereto as Exhibit 2 is a true and correct copy of transcript excerpts from the
13 deposition of Barbara Osborne, taken on June 15, 2023.
- 14 3. Attached hereto as Exhibit 3 are excerpts from a true and correct copy of the Office for
15 Civil Rights' Title IX Athletics Investigator's Manual, available at
16 <https://files.eric.ed.gov/fulltext/ED400763.pdf> (last visited Aug. 8, 2023).

17 I declare under penalty of perjury under the laws of the United States of America that the
18 foregoing is true and correct.

19 EXECUTED on this 11th day of August 2023 in Washington, D.C.

20 Respectfully submitted,

21 /s/ Rakesh N. Kilaru

22 Rakesh N. Kilaru (admitted *pro hac vice*)
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